

11-CV-00222-M

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FILED  
LODGED  
ENTERED  
RECEIVED  
2011  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

MICROSOFT CORPORATION,

Plaintiff,

v.

JOHN DOES 1-11 CONTROLLING  
A COMPUTER BOTNET THEREBY  
INJURING MICROSOFT AND ITS  
CUSTOMERS,

Defendants.

Case No. 2:11-cv-00222

**MOTION FOR LEAVE TO FILE  
AMENDED PROPOSED ORDER**

**\*\*FILED UNDER SEAL\*\***

Microsoft respectfully seeks leave to file an Amended [Proposed] Ex Parte Temporary Restraining Order, Seizure Order And Order To Show Cause Re Preliminary Injunction ("Amended Proposed Order"), attached as Exhibit A to the Declaration of Jeffrey L. Cox in Support of Microsoft Corporation's Motion for Leave To File an Amended Proposed Order ("Cox Decl."). The following changes have been made to the proposed order originally filed with the Court:

1. Paragraph G(1) on page 8 of the originally filed Proposed Order stated that, "The seizure at the foregoing data centers and hosting providers shall take place within ten (10) business days after the issuance of this order . . . ." The Amended Proposed Order states that,

1 “The seizure at the foregoing data centers and hosting providers shall take place no later than  
2 seven (7) days after the date of issue of this order. The seizure may continue from day to day, for  
3 a period not to exceed three (3) days, until all items have been seized. The seizure shall be made  
4 by the United States Marshals Service.” *See* Cox Decl. ¶ 2, Ex. A.  
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6 Microsoft believes this language more closely conforms to the statutory requirements of  
7 15 U.S.C. 1116(d)(5)(C), which provides that “[a]n order under this subsection shall set forth . . .  
8 the time period, which shall end not later than seven days after the date on which such order is  
9 issued, during which the seizure is to be made.” *See Dell, Inc. v. Belgiumdomains, LLC*, 2007  
10 U.S. Dist. Lexis 98676, \*20-21 (S.D. Fla. Nov. 21, 2007) (ordering plaintiff to “affect the Seizure  
11 not later than seven days after the date of issue of this Order. The Seizure may continue from day  
12 to day, for a period not to exceed three days, until all items have been seized.”).  
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1 Dated: February 25, 2011.

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